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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

SWEET PEOPLE APPAREL, INC.
d/b/a MISS ME, a California
corporation, et al.,

Plaintiffs,

v.

PHOENIX FIBERS, INC., an
Arizona corporation, et al.,

Defendants.

Case No. 2:16-cv-00940-TJH-JC

Hon. Terry J. Hatter, Jr.

**DEFENDANT PHOENIX FIBERS,
INC.'S APPENDIX OF EVIDENCE**

VOLUME 2 OF 2 – EXHIBITS II - NN

*[Notice and Motion and Motion;
Memorandum of Points and Authorities;
Statement of Uncontroverted Facts;
[Proposed] Judgment and [Proposed]
Order Filed Concurrently Herewith]*

Date: January 30, 2017
Time: Under submission
Location: Courtroom 9B
First Street Courthouse

APPENDIX IN SUPPORT OF PHOENIX FIBERS MOTION FOR
SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
PARTIAL SUMMARY JUDGMENT

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
A	Declaration of Tod Kean in Support of Defendants' Motions for Summary Judgment	APP-0001 – APP-0005
B	Declaration of Steven Johnson in Support of Defendants' Motions for Summary Judgment	APP-0006 – APP-0010
C	Declaration of Christopher Maciel in Support of Defendants' Motions for Summary Judgment	APP-0011 – APP-0017
D	Excerpts from the Deposition of Lisa Song	APP-0018 – APP-0052
E	Excerpts from the Deposition of Lilly Kim	APP-0053 – APP-0096
F	Excerpts from the Deposition of Felipe Salgado	APP-0097 – APP-0117
G	Excerpts from the Deposition of Tiffany Wolff	APP-0118 – APP-0123
H	First Amended Complaint [Docket #32]	APP-0124 – APP-0149
I	http://crossroadstrading.com/about-us/	APP-0150 – APP-0157
J	http://cherryconsign.com/	APP-0158 – APP-0161
K	http://www.buffaloexchange.com/about-us/	APP-0162 – APP-0164
L	http://ragstock.com/about/	APP-0165 – APP-0167
M	Digging for Diamonds: A Conceptual Framework for Understanding Reclaimed Textile Products	APP-0168 – APP-0181
N	PHX001387-PHX001388	APP-0182 – APP-0183
O	PHX001389-PHX001417	APP-0184 – APP-0212

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
P	Lisa Song LinkedIn Profile [Deposition Exhibit 65]	APP-0213 – APP-0215
Q	November 3, 2011 Email from Lisa Song to Matt@PHXFibers [Deposition Exhibit 67]	APP-0216 – APP-0217
R	December 3, 2015 Email from Felipe Salgado to Lilly Kim [Deposition Exhibit 31]	APP-0218 – APP-0219
S	December 4, 2015 Email from Bahram Reihan to CustomerCare@rockrevival.com [Deposition Exhibit 32]	APP-0220 – APP-0221
T	Phoenix Fibers webiste[Deposition Exhibit 38]	APP-0222
U	January 18, 2012 Certificate of Recycle [Deposition Exhibit 39]	APP-0223
V	January 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 56]	APP-0224 – APP-0246
W	January 16, 2016 Plaintiff Sweet People Apparel Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 57]	APP-0247 – APP-0269
X	February 26, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 44]	APP-0270 – APP-0272
Y	June 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 48]	APP-0273 – APP-0275

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
Z	September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 49]	APP-0276 – APP-0277
AA	September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 50]	APP-0278 – APP-0279
BB	September 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 51]	APP-0280 – APP-0282
CC	October 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 52]	APP-0283 – APP-0284
DD	October 19, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 53]	APP-0285 – APP-0286
EE	November 7, 2011 Email from Lisa Song to Matt Graham and Steve Kim [Deposition Exhibit 71]	APP-0287 – APP-0288
FF	November 4, 2011 Email from Matt Graham to Lisa Song [Deposition Exhibit 69]	APP-0289
GG	US General Export Shipping Documents [Deposition Exhibit 1]	APP-0290 – APP-0313
HH	August 20, 2016 Defendant U.S. General Export, Inc.'s Responses to Defendant Phoenix Fibers' Request for Admission	APP-0314 – APP-0320

<u>TAB</u>	<u>DESCRIPTION</u>	<u>APP</u>
II	June 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Request for Admission	APP-0321 – APP-0336
JJ	June 16, 2016 Plaintiff Sweet People Apparel, Inc. Objections and Responses to Defendant Phoenix Fibers, Inc.'s, First Set of Request for Admission	APP-0337 – APP-0352
KK	June 1, 2016 Defendant Phoenix Fibers, Inc.'s Responses to Plaintiff Sweet People Apparel, Inc.'s First Set of Interrogatories [Deposition Exhibit 8]	APP-0353 – APP-0363
LL	Articles of Incorporation of Phoenix Fibers Inc. [Deposition Exhibit 15]	APP-0364 – APP-0372
MM	http://www.missme.com/categories/jeans	APP-0373 – APP-0381
NN	http://www.rockrevival.com/categories/men/jeans and http://www.rockrevival.com/categories/women	APP-0382 – APP-0391

DYATED: December 30, 2016

HAYNES AND BOONE, LLP

By: /s/ Kenneth G. Parker
Kenneth G. Parker
Attorneys for Defendant
PHOENIX FIBERS, INC.

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action. I am employed in the County of Orange, State of California, within which county the subject service occurred. My business address is 600 Anton Boulevard, Suite 700, Costa Mesa, California 92626.

On December 30, 2016, I served the following document described as: **DEFENDANT PHOENIX FIBERS, INC.'S APPENDIX OF EVIDENCE VOLUME 2 OF 2 – EXHIBITS II – NN** on the interested parties in this action in the manner identified below:

[XXX] BY ELECTRONIC FILING. I caused such document(s) to be electronically filed and served through the United States District Court's CM/ECF System for the within action. This service complies with the Federal Rules of Civil Procedure. The file transmission was reported as complete and a copy of the Court's Notice of Electronic Filing will be maintained with the original document(s) in our office. Participants in the case who are registered CM/ECF users will be served by the District CM/ECF System.

I declare that I am employed in the offices of a member of the bar of this Court at whose direction this service was made, and that this service complies with the Federal Rules of Civil Procedure.

Executed on December 30, 2016, at Costa Mesa, California.

/s Breean Cordova
Breean Cordova

EXHIBIT II

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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

SWEET PEOPLE APPAREL, INC.
 d/b/a MISS ME, a California
 corporation, and RCRV, INC. d/b/a
 ROCK REVIVAL, a California
 corporation,

Plaintiffs,

v.

PHOENIX FIBERS, INC., an Arizona
 corporation, U.S. GENERAL EXPORT,
 INC., a California corporation, SAC
 INTERNATIONAL TRADERS, INC.,
 a California corporation, SHAUKAT
 ALI CHOCHAN, an individual, COMAK
 TRADING, INC., a California
 corporation, LYDIA EVILSA
 TERRAZAS CHO, an individual,
 MYUNG KWON CHO, an individual,
 TIFFANY ALANA WOLFF, an
 individual d/b/a MISS V LANE, XYZ
 COMPANIES 1-10, and JOHN AND
 JANE DOES 1-10,

Defendants.

Case No.: 2:16-cv-00940

Hon. Terry J. Hatter, Jr.

**OBJECTIONS AND RESPONSES TO
 DEFENDANT PHOENIX FIBERS
 INC.'S FIRST SET OF REQUESTS
 FOR ADMISSION TO PLAINTIFF
 RCRV, INC. D/B/A ROCK REVIVAL**

1 Plaintiff RCRV, Inc. d/b/a Rock Revival ("RCRV") responds to Defendant
2 Phoenix Fibers, Inc.'s ("Phoenix Fibers") First Set of Requests For Admission to
3 RCRV (the "Requests for Admission") as follows:

4 **GENERAL OBJECTIONS**

5 RCRV makes the following General Objections to Phoenix Fibers' Requests
6 for Admission, which apply to each Request for Admission regardless of whether the
7 General Objections are expressly incorporated into the specific objections below:

8 1. RCRV objects to the Requests for Admission to the extent that they call
9 for the provision of information outside the custody, possession, or control, or
10 knowledge of RCRV, or otherwise seek to impose obligations beyond, or different
11 from, those imposed by the Federal Rules of Civil Procedure or the Local Civil Rules
12 of this Court.

13 2. RCRV objects to the Requests for Admission to the extent they are
14 duplicative, overbroad, unduly burdensome and vexatious, or calls for information
15 that is not relevant to any party's claim or defense and proportional to the needs of
16 the case, considering the importance of the issues at stake in the action, the amount in
17 controversy, the parties' relative access to relevant information, the parties'
18 resources, the importance of the discovery in resolving the issues, and whether the
19 burden or expense of the proposed discovery outweighs its likely benefit.

20 3. RCRV objects to the Requests for Admission to the extent they seek
21 discovery of information subject to the attorney-client privilege, the attorney work-
22 product doctrine, the accountant-client privilege, the common interest privilege, the
23 joint defense privilege, the self-evaluative privilege or any other lawfully recognized
24 privilege.

25 4. RCRV objects to the Requests for Admission as premature because
26 discovery, including fact discovery and expert discovery, is incomplete.

27 5. RCRV's responses set forth herein are made without waiving, in any
28 way: (a) its rights to object to the Requests for Admission, the responses, or the

1 subject matter thereof, as to the competency, relevancy, materiality, privilege, and
 2 admissibility as evidence for any purpose, in any proceeding in, or at the trial of, this
 3 or any other action; the responses are, similarly, not to be deemed an admission as to
 4 their competency, relevancy, materiality, privilege, or admissibility as evidence for
 5 any purpose in this or any other action; (b) its right to object on any ground to the use
 6 of these responses, or the subject matter thereof, in any proceeding in, or at the trial
 7 of, this or any other action; or (c) its right to object on any ground at any time to
 8 requests to admit, interrogatories, or other discovery procedures involving or relating
 9 to the subject matter of the Requests for Admission. In providing a response to a
 10 Request for Admission, RCRV does not waive any objection to the admissibility of
 11 the response, including any document cited therein, on grounds of relevancy,
 12 foundation, hearsay or other grounds.

13 6. Insofar as any of Phoenix Fibers' Requests for Admission seek
 14 information to which the foregoing objections apply, specification of or failure to
 15 note general objections is not a waiver of those or other general objections with
 16 respect to any request. RCRV also reserves the right to assert additional general or
 17 specific objections arising from matters discovered during the course of this
 18 litigation.

19 7. RCRV's investigation is on-going and so it reserves the right to
 20 supplement or amend its responses as reasonably necessary at any time before the
 21 Final Pre-Trial Conference.

22 **OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**
 23 **REQUEST FOR ADMISSION NO. 1**

24 Admit that before October 27, 2015, ROCK REVIVAL believed that a
 25 DONATED PRODUCT would be "destroyed" if it was "recycled."

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

27 RCRV incorporates the above stated General Objections as if fully set forth
 28 herein.

1 Subject to and without waiving the foregoing objections, RCRV admits that
2 both before and after October 27, 2015 it believed that all damaged, unfinished,
3 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products
4 that it shipped to Phoenix Fibers for recycling into shoddy fiber would be destroyed
5 in the recycling process (*i.e.*, the donated ROCK REVIVAL apparel products would
6 not merely be resold). Under no circumstances would RCRV have gone to the effort
7 and expense of delivering damaged, unfinished, returned, obsolete, or otherwise
8 second-quality ROCK REVIVAL apparel products to Phoenix Fibers' Arizona-based
9 facility, only to have such products, which were to be destroyed and recycled into
10 shoddy fiber, sold back into the stream of commerce.

11 **REQUEST FOR ADMISSION NO. 2**

12 Admit that ROCK REVIVAL shipped products to PHOENIX FIBERS that
13 could not be turned into shoddy fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

15 RCRV incorporates the above stated General Objections as if fully set forth
16 herein.

17 Subject to and without waiving the foregoing objections, RCRV states that it
18 lacks knowledge or information sufficient to enable it to admit or deny this Request
19 for Admission, and, therefore, denies it. RCRV further states that at no time did
20 Phoenix Fibers ever advise RCRV that it was unable to destroy and recycle any of the
21 damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK
22 REVIVAL apparel products that RCRV delivered to Phoenix Fibers into shoddy
23 fiber.

24 **REQUEST FOR ADMISSION NO. 3**

25 Admit that, prior to October 27, 2015, ROCK REVIVAL never sought
26 confirmation from PHOENIX FIBERS that the DONATED PRODUCTS had been
27 destroyed.
28

RESPONSE TO REQUEST FOR ADMISSION NO. 3

RCRV incorporates the above stated General Objections as if fully set forth herein. RCRV further objects to this Request for Admission on the ground that the phrase “never sought confirmation” is vague and ambiguous as used herein, and further incorrectly implies that RCRV had an obligation to confirm Phoenix Fibers’ compliance with its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products into shoddy fiber.

Subject to and without waiving the foregoing objections, RCRV admits that prior to October 27, 2015, RCRV was not aware of Phoenix Fibers’ breach of its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products into shoddy fiber, and, therefore, never sought Phoenix Fibers’ confirmation that it was complying with its agreement to destroy the damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products that RCRV donated to Phoenix Fibers.

REQUEST FOR ADMISSION NO. 4

Admit that, prior to October 27, 2015, ROCK REVIVAL never verbally or electronically told PHOENIX FIBERS that reselling the DONATED PRODUCTS was prohibited.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

RCRV incorporates the above stated General Objections as if fully set forth herein. RCRV further objects to this Request for Admission on the ground that the phrase “never verbally or electronically told” is vague and ambiguous as used herein, and further incorrectly implies that RCRV had an obligation to confirm Phoenix Fibers’ compliance with its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products into shoddy fiber, and not to merely resell such products in the same condition as they were received, which would be counter to the very reason why RCRV had gone

1 to the effort and expense of delivering such products to Phoenix Fibers.

2 Subject to and without waiving the foregoing objections, RCRV admits that
3 prior to October 27, 2015, RCRV was not aware of Phoenix Fibers' resale of donated
4 damaged, unfinished, returned, obsolete, or otherwise second-quality ROCK
5 REVIVAL apparel products in breach of its agreement to convert such products into
6 shoddy fiber, and, therefore, "never verbally or electronically told" Phoenix Fibers
7 that reselling such products was prohibited since that was the antithesis of why
8 RCRV agreed to donate such products to Phoenix Fibers, at significant cost, for
9 destruction and recycling into shoddy fiber.

10 **REQUEST FOR ADMISSION NO. 5**

11 Admit that PHOENIX FIBERS never used the ROCK REVIVAL trademark
12 to sell any of the DONATED PRODUCTS.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

14 RCRV incorporates by reference the above-stated General Objections as if fully
15 set forth herein. RCRV further objects to this Request for Admission on the basis that
16 the phrase "used the ROCK REVIVAL trademark to sell" is vague and ambiguous as
17 used therein, especially since the ROCK REVIVAL trademark appears on all of
18 RCRV's ROCK REVIVAL apparel products, including those damaged, unfinished,
19 returned, obsolete, or otherwise second-quality products which Phoenix Fibers now
20 admits that it sold to Kamel Mroueh and his companies Mroueh Trading and U.S.
21 General Export, and others.

22 Subject to and without waiving the foregoing objections, RCRV states that it
23 lacks knowledge or information sufficient to enable it to admit or deny this Request for
24 Admission, and, therefore, denies it.

25 **REQUEST FOR ADMISSION NO. 6**

26 Admit that PHOENIX FIBERS never used the ROCK REVIVAL trademark
27 in connection with the sale of any of the DONATED PRODUCTS.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

2 RCRV incorporates by reference the above-stated General Objections as if fully
3 set forth herein. RCRV further objects to this Request for Admission on the basis that
4 the phrase “used the ROCK REVIVAL trademark in connection with the sale” is vague
5 and ambiguous as used therein, especially since the ROCK REVIVAL trademark
6 appears on all of RCRV’s ROCK REVIVAL apparel products, including those
7 damaged, unfinished, returned, obsolete, or otherwise second-quality products which
8 Phoenix Fibers now admits that it sold to Kamel Mroueh and his companies Mroueh
9 Trading and U.S. General Export, and others.

10 Subject to and without waiving the foregoing objections, RCRV states that it
11 lacks knowledge or information sufficient to enable it to admit or deny this Request for
12 Admission, and, therefore, denies it.

13 **REQUEST FOR ADMISSION NO. 7**

14 Admit that ROCK REVIVAL employees reviewed the PHOENIX FIBERS
15 website before ROCK REVIVAL shipped the DONATED PRODUCTS.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

17 RCRV incorporates by reference the above-stated General Objections as if fully
18 set forth herein. RCRV further objects to this Request for Admission on the basis that
19 the term “reviewed” is vague and ambiguous as used therein. RCRV further objects to
20 this Request for Admission to the extent that it is intended to imply that this statement
21 permits Phoenix Fibers to sell products that have been donated to it for destruction and
22 recycling back into the stream of commerce.

23 Subject to and without waiving the foregoing objections, RCRV admits that
24 one or more RCRV and/or Sweet People Apparel, Inc. employee visited the Phoenix
25 Fibers website before RCRV agreed to donate damaged, unfinished, returned,
26 obsolete, or otherwise second-quality ROCK REVIVAL apparel products, at
27 significant cost, to Phoenix Fibers for destruction and recycling into shoddy fiber.
28

1 **REQUEST FOR ADMISSION NO. 8**

2 Admit that ROCK REVIVAL employees never visited the PHOENIX
3 FIBERS facility to inquire about the PHOENIX FIBERS destruction capabilities.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

5 RCRV incorporates by reference the above-stated General Objections as if fully
6 set forth herein. RCRV further objects to this Request for Admission on the basis that
7 it improperly implies that a RCRV employee was required to physically visit Phoenix
8 Fibers' facility to "inquire" about Phoenix Fibers' "destruction capabilities", which
9 Phoenix Fibers openly touts on its own website and those of its affiliates.

10 Subject to and without waiving the foregoing objections, RCRV admits that
11 prior to learning of Phoenix Fibers' improper resale of donated damaged, unfinished,
12 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products,
13 RCRV had reasonably relied on Phoenix Fibers' representations as to its capability and
14 agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise
15 second-quality ROCK REVIVAL apparel products into shoddy fiber, and that no
16 RCRV employee had visited Phoenix Fibers' facility to "inquire" about or verify
17 Phoenix Fibers' representations as to its "destruction capabilities".

18 **REQUEST FOR ADMISSION NO. 9**

19 Admit that ROCK REVIVAL employees never visited the PHOENIX FIBERS
20 facility to inquire about the PHOENIX FIBERS recycling capabilities.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

22 RCRV incorporates by reference the above-stated General Objections as if
23 fully set forth herein. RCRV further objects to this Request for Admission on the
24 basis that it improperly implies that a RCRV employee was required to physically
25 visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "recycling
26 capabilities", which Phoenix Fibers openly touts on its own website and those of its
27 affiliates.

28 Subject to and without waiving the foregoing objections, RCRV admits that

1 prior to learning of Phoenix Fibers' improper resale of donated damaged, unfinished,
2 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products,
3 RCRV had reasonably relied on Phoenix Fibers' representations as to its capability
4 and agreement to convert donated damaged, unfinished, returned, obsolete, or
5 otherwise second-quality ROCK REVIVAL apparel products into shoddy fiber, and
6 that no RCRV employee had visited Phoenix Fibers' facility to "inquire" about or
7 verify Phoenix Fibers' representations as to its "recycling capabilities".

8 **REQUEST FOR ADMISSION NO. 10**

9 Admit that ROCK REVIVAL employees never specifically inquired with
10 PHOENIX FIBERS what type of materials could be accepted by PHOENIX
11 FIBERS for recycling.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

13 RCRV incorporates by reference the above-stated General Objections as if fully
14 set forth herein. RCRV further objects to this Request for Admission on the basis that
15 at no time did Phoenix Fibers reject any damaged, unfinished, returned, obsolete, or
16 otherwise second-quality ROCK REVIVAL apparel products that RCRV delivered to
17 Phoenix Fibers for destruction and recycling into shoddy fiber.

18 Subject to and without waiving the foregoing objections, RCRV denies this
19 Request for Admission.

20 **REQUEST FOR ADMISSION NO. 11**

21 Admit that ROCK REVIVAL employees never specifically inquired with
22 PHOENIX FIBERS what type of materials could be accepted by PHOENIX
23 FIBERS for destruction.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

25 RCRV incorporates by reference the above-stated General Objections as if fully
26 set forth herein. RCRV further objects to this Request for Admission on the basis that
27 at no time did Phoenix Fibers reject any damaged, unfinished, returned, obsolete, or
28 otherwise second-quality ROCK REVIVAL apparel products that RCRV delivered to

1 Phoenix Fibers for destruction and recycling into shoddy fiber.

2 Subject to and without waiving the foregoing objections, RCRV denies this
3 Request for Admission.

4 **REQUEST FOR ADMISSION NO. 12**

5 Admit that between January 1, 2011 to the present, the PHOENIX FIBERS
6 website home page has always included the phrase: "The items we do not use in our
7 shredding process are resold to other recycling companies."

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

9 RCRV incorporates by reference the above-stated General Objections as if fully
10 set forth herein. RCRV further objects to this Request for Admission to the extent that
11 it is intended to imply that this "phrase" somehow permitted Phoenix Fibers to sell
12 products that have been donated to it for destruction and recycling back into the stream
13 of commerce.

14 Subject to and without waiving the foregoing objections, RCRV states that it
15 lacks knowledge or information sufficient to enable it to admit or deny this Request for
16 Admission, and, therefore, denies it.

17 **REQUEST FOR ADMISSION NO. 13**

18 Admit that U.S. General Export, Inc. is a recycling company.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

20 RCRV incorporates by reference the above-stated General Objections as if fully
21 set forth herein.

22 Subject to and without waiving the foregoing objections, RCRV states that it
23 lacks knowledge or information sufficient to enable it to admit or deny this Request for
24 Admission, and, therefore, denies it. RCRV further states that the corporate name of
25 U.S. General Export, Inc. implies that this entity is an export company.

26 **REQUEST FOR ADMISSION NO. 14**

27 Admit that ROCK REVIVAL never purposefully destroyed any of the
28 DONATED PRODUCTS to ensure that the DONATED PRODUCTS could not be

1 resold.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

3 RCRV incorporates by reference the above-stated General Objections as if fully
4 set forth herein. RCRV further objects to this Request for Admission on the basis that
5 the term “destroyed” is vague and ambiguous as used therein. RCRV further objects to
6 this Request for Admission on the grounds that it is nonsensical in that RCRV
7 purposefully donated damaged, unfinished, returned, obsolete, or otherwise second-
8 quality ROCK REVIVAL apparel products to Phoenix Fibers so that they would be
9 destroyed and recycled, and forever removed from the stream of commerce.

10 Subject to and without waiving the foregoing objections, RCRV denies this
11 Request for Admission.

12 **REQUEST FOR ADMISSION NO. 15**

13 Admit that Lily Kim directed PHOENIX FIBERS to “recycle” the DONATED
14 PRODUCTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 15**

16 RCRV incorporates by reference the above-stated General Objections as if fully
17 set forth herein. RCRV further objects to this Request for Admission on the basis that
18 it improperly implies that the process of recycling apparel and accessory products into
19 shoddy fiber does not necessarily involve the destruction of such products.

20 Subject to and without waiving the foregoing objections, RCRV denies that Lilly
21 Kim personally “directed” Phoenix Fibers to recycle the donated damaged, unfinished,
22 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products
23 into shoddy fiber, but admits that employees acting under Ms. Kim’s instruction and
24 direction “directed” Phoenix Fibers to recycle the donated damaged, unfinished,
25 returned, obsolete, or otherwise second-quality ROCK REVIVAL apparel products
26 into shoddy fiber.

27 **REQUEST FOR ADMISSION NO. 16**

28 Admit that ROCK REVIVAL sent non-apparel and non-textile materials in

1 boxes that ROCK REVIVAL shipped to PHOENIX FIBERS.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 16**

3 RCRV incorporates by reference the above-stated General Objections as if fully
4 set forth herein. RCRV further objects to this Request for Admission on the basis that
5 the terms “non-apparel” and “non-textile” are vague and ambiguous as used herein.

6 Subject to and without waiving the foregoing objections, RCRV denies this
7 Request for Admission.

8 **REQUEST FOR ADMISSION NO. 17**

9 Admit that ROCK REVIVAL sent hangers in boxes that ROCK REVIVAL
10 shipped to PHOENIX FIBERS.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 17**

12 RCRV incorporates by reference the above-stated General Objections as if fully
13 set forth herein.

14 Subject to and without waiving the foregoing objections, RCRV admits that on
15 occasion the damaged, unfinished, returned, obsolete, or otherwise second-quality
16 ROCK REVIVAL apparel products that it shipped to Phoenix Fibers for destruction
17 and recycling were on hangers, and further states that at no time did Phoenix Fibers
18 reject any such products that RCRV delivered to Phoenix Fibers for destruction and
19 recycling, or advise that donated products must not be on hangers.

20 **REQUEST FOR ADMISSION NO. 18**

21 Admit that ROCK REVIVAL sent trash in boxes that ROCK REVIVAL
22 shipped to PHOENIX FIBERS.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 18**

24 RCRV incorporates by reference the above-stated General Objections as if fully
25 set forth herein. RCRV further objects to this Request for Admission on the basis that
26 the term “trash” is vague and ambiguous as used therein.

27 Subject to and without waiving the foregoing objections, RCRV denies this
28 Request for Admission.

1 **REQUEST FOR ADMISSION NO. 19**

2 Admit that PHOENIX FIBERS never made a statement to any purchaser of
3 DONATED PRODUCTS about the affiliation, connection, or association of
4 PHOENIX FIBERS and ROCK REVIVAL.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 19**

6 RCRV incorporates by reference the above-stated General Objections as if fully
7 set forth herein.

8 Subject to and without waiving the foregoing objections, RCRV states that it
9 lacks knowledge or information sufficient to enable it to admit or deny this Request for
10 Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 20**

12 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on
13 the weight of such products.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 20**

15 RCRV incorporates by reference the above-stated General Objections as if fully
16 set forth herein.

17 Subject to and without waiving the foregoing objections, RCRV states that it
18 lacks knowledge or information sufficient to enable it to admit or deny this Request
19 for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 21**

21 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on
22 the weight of such products without regard for the trademark of such product.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 21**

24 RCRV incorporates by reference the above-stated General Objections as if fully
25 set forth herein. RCRV further objects to this Request for Admission on the basis that
26 it is duplicative of Request for Admission 20.

27 Subject to and without waiving the foregoing objections, RCRV states that it
28 lacks knowledge or information sufficient to enable it to admit or deny this Request

1 for Admission, and, therefore, denies it.

2 **REQUEST FOR ADMISSION NO. 22**

3 Admit that PHOENIX FIBERS has multiple customers that purchase shoddy
4 fiber.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

6 RCRV incorporates by reference the above-stated General Objections as if fully
7 set forth herein.

8 Subject to and without waiving the foregoing objections, RCRV states that it
9 lacks knowledge or information sufficient to enable it to admit or deny this Request
10 for Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 23**

12 Admit that PHOENIX FIBERS has multiple customers that purchase
13 non-shoddy fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 23**

15 RCRV incorporates by reference the above-stated General Objections as if fully
16 set forth herein. RCRV further objects to this Request for Admission on the basis that
17 the phrase “non-shoddy fiber” is vague and ambiguous as used therein.

18 Subject to and without waiving the foregoing objections, RCRV states that it
19 lacks knowledge or information sufficient to enable it to admit or deny this Request
20 for Admission, and, therefore, denies it.

21 **REQUEST FOR ADMISSION NO. 24**

22 Admit that PHOENIX FIBERS has never reproduced, counterfeited, copied,
23 or colorably imitated the ROCK REVIVAL trademark.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 24**

25 RCRV incorporates by reference the above-stated General Objections as if fully
26 set forth herein. RCRV further objects to this Request for Admission on the basis that
27 it calls or a legal conclusion.

28 Subject to and without waiving the foregoing objections, RCRV states that it

1 lacks knowledge or information sufficient to enable it to admit or deny this Request for
2 Admission, and, therefore, denies it. RCRV further states that Phoenix Fibers engaged
3 in the unauthorized resale of damaged, unfinished, returned, obsolete, or otherwise
4 second-quality jeanswear and apparel products bearing the ROCK REVIVAL
5 trademark, in direct violation of Phoenix Fibers' agreement to destroy such products
6 and recycle them into shoddy fiber, and, therefore, infringed RCRV's trademark rights.

7
8 Dated: June 16, 2016

ARNOLD & PORTER LLP

9
10
11 By: 

Louis S. Ederer

John C. Ulin

Matthew T. Salzmann

Eric D. Mason

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**OBJECTIONS AND RESPONSES TO DEFENDANT PHOENIX FIBERS
INC.'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF
RCRV, INC. D/B/A ROCK REVIVAL** was served upon the following attorneys of
record for Defendant Phoenix Fibers, Inc. by email (by agreement), this 16th day of
June 2016:

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EXHIBIT JJ

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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 SWEET PEOPLE APPAREL, INC.
15 d/b/a MISS ME, a California
corporation, and RCRV, INC. d/b/a
16 ROCK REVIVAL, a California
corporation,

17 Plaintiffs,

18 v.

19 PHOENIX FIBERS, INC.. an Arizona
20 corporation. U.S. GENERAL EXPORT,
INC.. a California corporation, SAC
21 INTERNATIONAL TRADERS, INC.,
a California corporation, SHAUKAT
22 ALI CHOCHAN, an individual, COMAK
TRADING, INC., a California
23 corporation, LYDIA EVILSA
TERRAZAS CHO, an individual,
24 MYUNG KWON CHO, an individual,
25 TIFFANY ALANA WOLFF, an
individual d/b/a MISS V LANE, XYZ
26 COMPANIES 1-10, and JOHN AND
JANE DOES 1-10,

27 Defendants.
28

Case No.: 2:16-cv-00940

Hon. Terry J. Hatter, Jr.

**OBJECTIONS AND RESPONSES TO
DEFENDANT PHOENIX FIBERS,
INC.'S FIRST SET OF REQUESTS
FOR ADMISSION TO PLAINTIFF
SWEET PEOPLE APPAREL, INC.
D/B/A MISS ME**

1 Plaintiff Sweet People Apparel, Inc. d/b/a Miss Me ("Sweet People") responds
2 to Defendant Phoenix Fibers, Inc.'s ("Phoenix Fibers") First Set of Requests For
3 Admission to Sweet People (the "Requests for Admission") as follows:

4 **GENERAL OBJECTIONS**

5 Sweet People makes the following General Objections to Phoenix Fibers'
6 Requests for Admission, which apply to each Request for Admission regardless of
7 whether the General Objections are expressly incorporated into the specific
8 objections below.

9 1. Sweet People objects to the Requests for Admission to the extent that
10 they call for the provision of information outside the custody, possession, or control,
11 or knowledge of Sweet People, or otherwise seek to impose obligations beyond, or
12 different from, those imposed by the Federal Rules of Civil Procedure or the Local
13 Civil Rules of this Court.

14 2. Sweet People objects to the Requests for Admission to the extent they
15 are duplicative, overbroad, unduly burdensome and vexatious, or calls for
16 information that is not relevant to any party's claim or defense and proportional to the
17 needs of the case, considering the importance of the issues at stake in the action, the
18 amount in controversy, the parties' relative access to relevant information, the
19 parties' resources, the importance of the discovery in resolving the issues, and
20 whether the burden or expense of the proposed discovery outweighs its likely benefit.

21 3. Sweet People objects to the Requests for Admission to the extent they
22 seek discovery of information subject to the attorney-client privilege, the attorney
23 work-product doctrine, the accountant-client privilege, the common interest privilege,
24 the joint defense privilege, the self-evaluative privilege or any other lawfully
25 recognized privilege.

26 4. Sweet People objects to the Requests for Admission as premature
27 because discovery, including fact discovery and expert discovery, is incomplete.

28 5. Sweet People's responses set forth herein are made without waiving, in

any way: (a) its rights to object to the Requests for Admission, the responses, or the subject matter thereof, as to the competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in any proceeding in, or at the trial of, this or any other action; the responses are, similarly, not to be deemed an admission as to their competency, relevancy, materiality, privilege, or admissibility as evidence for any purpose in this or any other action; (b) its right to object on any ground to the use of these responses, or the subject matter thereof, in any proceeding in, or at the trial of, this or any other action; or (c) its right to object on any ground at any time to requests to admit, interrogatories, or other discovery procedures involving or relating to the subject matter of the Requests for Admission. In providing a response to a Request for Admission, Sweet People does not waive any objection to the admissibility of the response, including any document cited therein, on grounds of relevancy, foundation, hearsay or other grounds.

6. Insofar as any of Phoenix Fibers' Requests for Admission seek information to which the foregoing objections apply, specification of or failure to note general objections is not a waiver of those or other general objections with respect to any request. Sweet People also reserves the right to assert additional general or specific objections arising from matters discovered during the course of this litigation.

7. Sweet People's investigation is on-going and so it reserves the right to supplement or amend its responses as reasonably necessary at any time before the Final Pre-Trial Conference.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION
REQUEST FOR ADMISSION NO. 1

Admit that before October 27, 2015, MISS ME believed that a DONATED PRODUCT would be "destroyed" if it was "recycled."

RESPONSE TO REQUEST FOR ADMISSION NO. 1

Sweet People incorporates the above stated General Objections as if fully set

1 forth herein.

2 Subject to and without waiving the foregoing objections, Sweet People admits
3 that both before and after October 27, 2015 it believed that all damaged, unfinished,
4 returned, obsolete, or otherwise second-quality MISS ME apparel and accessory
5 products that it shipped to Phoenix Fibers for recycling into shoddy fiber would be
6 destroyed in the recycling process (*i.e.*, the donated MISS ME apparel and accessory
7 products would not merely be resold). Under no circumstances would Sweet People
8 have gone to the effort and expense of delivering damaged, unfinished, returned,
9 obsolete, or otherwise second-quality MISS ME apparel and accessory products to
10 Phoenix Fibers' Arizona-based facility, only to have such products, which were to be
11 destroyed and recycled into shoddy fiber, sold back into the stream of commerce.

12 **REQUEST FOR ADMISSION NO. 2**

13 Admit that MISS ME shipped products to PHOENIX FIBERS that could not
14 be turned into shoddy fiber.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

16 Sweet People incorporates the above stated General Objections as if fully set
17 forth herein.

18 Subject to and without waiving the foregoing objections, Sweet People states
19 that it lacks knowledge or information sufficient to enable it to admit or deny this
20 Request for Admission, and, therefore, denies it. Sweet People further states that at
21 no time did Phoenix Fibers ever advise Sweet People that it was unable to destroy
22 and recycle any of the damaged, unfinished, returned, obsolete, or otherwise second-
23 quality MISS ME apparel and accessory products that Sweet People delivered to
24 Phoenix Fibers into shoddy fiber.

25 **REQUEST FOR ADMISSION NO. 3**

26 Admit that, prior to October 27, 2015, MISS ME never sought confirmation
27 from PHOENIX FIBERS that the DONATED PRODUCTS had been destroyed.
28

RESPONSE TO REQUEST FOR ADMISSION NO. 3

Sweet People incorporates the above stated General Objections as if fully set forth herein. Sweet People further objects to this Request for Admission on the ground that the phrase “never sought confirmation” is vague and ambiguous as used herein, and further incorrectly implies that Sweet People had an obligation to confirm Phoenix Fibers’ compliance with its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and accessory products into shoddy fiber.

Subject to and without waiving the foregoing objections, Sweet People admits that prior to October 27, 2015, Sweet People was not aware of Phoenix Fibers’ breach of its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and accessory products into shoddy fiber, and, therefore, never sought Phoenix Fibers’ confirmation that it was complying with its agreement to destroy the damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and accessory products that Sweet People donated to Phoenix Fibers.

REQUEST FOR ADMISSION NO. 4

Admit that, prior to October 27, 2015, MISS ME never verbally or electronically told PHOENIX FIBERS that reselling the DONATED PRODUCTS was prohibited.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

Sweet People incorporates the above stated General Objections as if fully set forth herein. Sweet People further objects to this Request for Admission on the ground that the phrase “never verbally or electronically told” is vague and ambiguous as used herein, and further incorrectly implies that Sweet People had an obligation to confirm Phoenix Fibers’ compliance with its agreement to convert donated damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and accessory products into shoddy fiber, and not to merely resell such products in the

1 same condition as they were received, which would be counter to the very reason
2 why Sweet People had gone to the effort and expense of delivering such products to
3 Phoenix Fibers.

4 Subject to and without waiving the foregoing objections, Sweet People admits
5 that prior to October 27, 2015, Sweet People was not aware of Phoenix Fibers' resale
6 of donated damaged, unfinished, returned, obsolete, or otherwise second-quality
7 MISS ME apparel and accessory products in breach of its agreement to convert such
8 products into shoddy fiber, and, therefore, "never verbally or electronically told"
9 Phoenix Fibers that reselling such products was prohibited, since that was the
10 antithesis of why Sweet People agreed to donate such products to Phoenix Fibers, at
11 significant cost, for destruction and recycling into shoddy fiber.

12 **REQUEST FOR ADMISSION NO. 5**

13 Admit that PHOENIX FIBERS never used the MISS ME trademark to sell
14 any of the DONATED PRODUCTS.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

16 Sweet People incorporates by reference the above-stated General Objections as
17 if fully set forth herein. Sweet People further objects to this Request for Admission on
18 the basis that the phrase "used the MISS ME trademark to sell" is vague and
19 ambiguous as used therein, especially since the MISS ME trademark appears on all of
20 Sweet People's MISS ME apparel and accessory products, including those products
21 which Phoenix Fibers now admits that it sold to Kamel Mroueh and his companies
22 Mroueh Trading and U.S. General Export, and others.

23 Subject to and without waiving the foregoing objections, Sweet People states
24 that it lacks knowledge or information sufficient to enable it to admit or deny this
25 Request for Admission, and, therefore, denies it.

26 **REQUEST FOR ADMISSION NO. 6**

27 Admit that PHOENIX FIBERS never used the MISS ME trademark in
28 connection with the sale of any of the DONATED PRODUCTS.

RESPONSE TO REQUEST FOR ADMISSION NO. 6

Sweet People incorporates by reference the above-stated General Objections as if fully set forth herein. Sweet People further objects to this Request for Admission on the basis that the phrase “used the MISS ME trademark in connection with the sale” is vague and ambiguous as used therein, especially since the MISS ME trademark appears on all of Sweet People’s MISS ME apparel and accessory products, including those products which Phoenix Fibers now admits that it sold to Kamel Mroueh and his companies Mroueh Trading and U.S. General Export, and others.

Subject to and without waiving the foregoing objections, Sweet People states that it lacks knowledge or information sufficient to enable it to admit or deny this Request for Admission, and, therefore, denies it.

REQUEST FOR ADMISSION NO. 7

Admit that MISS ME employees reviewed the PHOENIX FIBERS website before MISS ME shipped the DONATED PRODUCTS.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Sweet People incorporates by reference the above-stated General Objections as if fully set forth herein. Sweet People further objects to this Request for Admission on the basis that the term “reviewed” is vague and ambiguous as used therein. Sweet People further objects to this Request for Admission to the extent that it is intended to imply that this statement permits Phoenix Fibers to sell products that have been donated to it for destruction and recycling back into the stream of commerce.

Subject to and without waiving the foregoing objections, Sweet People admits that one or more Sweet People and/or RCRV, Inc. employee visited the Phoenix Fibers website before Sweet People agreed to donate damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and accessory products, at significant cost, to Phoenix Fibers for destruction and recycling into shoddy fiber.

REQUEST FOR ADMISSION NO. 8

Admit that MISS ME employees never visited the PHOENIX FIBERS facility

1 to inquire about the PHOENIX FIBERS destruction capabilities.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

3 Sweet People incorporates by reference the above-stated General Objections as
4 if fully set forth herein. Sweet People further objects to this Request for Admission on
5 the basis that it improperly implies that a Sweet People employee was required to
6 physically visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "destruction
7 capabilities", which Phoenix Fibers openly touts on its own website and those of its
8 affiliates.

9 Subject to and without waiving the foregoing objections, Sweet People admits
10 that prior to learning of Phoenix Fibers' improper resale of donated damaged,
11 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and
12 accessory products, Sweet People had reasonably relied on Phoenix Fibers'
13 representations as to its capability and agreement to convert donated damaged,
14 unfinished, returned, obsolete, or otherwise second-quality MISS ME brand apparel
15 and accessory products into shoddy fiber, and that no Sweet People employee had
16 visited Phoenix Fibers' facility to "inquire" about or verify Phoenix Fibers'
17 representations as to its "destruction capabilities".

18 **REQUEST FOR ADMISSION NO. 9**

19 Admit that MISS ME employees never visited the PHOENIX FIBERS facility
20 to inquire about the PHOENIX FIBERS recycling capabilities.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

22 Sweet People incorporates by reference the above-stated General Objections as
23 if fully set forth herein. Sweet People further objects to this Request for Admission on
24 the basis that it improperly implies that a Sweet People employee was required to
25 physically visit Phoenix Fibers' facility to "inquire" about Phoenix Fibers' "recycling
26 capabilities", which Phoenix Fibers openly touts on its own website and those of its
27 affiliates.

28 Subject to and without waiving the foregoing objections, Sweet People admits

1 that prior to learning of Phoenix Fibers' improper resale of donated damaged,
2 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and
3 accessory products, Sweet People had reasonably relied on Phoenix Fibers'
4 representations as to its capability and agreement to convert donated damaged,
5 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and
6 accessory products into shoddy fiber, and that no Sweet People employee had visited
7 Phoenix Fibers' facility to "inquire" about or verify Phoenix Fibers' representations as
8 to its "recycling capabilities".

9 **REQUEST FOR ADMISSION NO. 10**

10 Admit that MISS ME employees never specifically inquired with PHOENIX
11 FIBERS what type of materials could be accepted by PHOENIX FIBERS for
12 recycling.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

14 Sweet People incorporates by reference the above-stated General Objections as
15 if fully set forth herein. Sweet People further objects to this Request for Admission on
16 the basis that at no time did Phoenix Fibers reject any damaged, unfinished, returned,
17 obsolete, or otherwise second-quality MISS ME apparel and accessory products that
18 Sweet People delivered to Phoenix Fibers for destruction and recycling into shoddy
19 fiber.

20 Subject to and without waiving the foregoing objections, Sweet People denies
21 this Request for Admission.

22 **REQUEST FOR ADMISSION NO. 11**

23 Admit that MISS ME employees never specifically inquired with PHOENIX
24 FIBERS what type of materials could be accepted by PHOENIX FIBERS for
25 destruction.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

27 Sweet People incorporates by reference the above-stated General Objections as
28 if fully set forth herein. Sweet People further objects to this Request for Admission on

1 the basis that at no time did Phoenix Fibers reject any damaged, unfinished, returned,
2 obsolete, or otherwise second-quality MISS ME apparel and accessory products that
3 Sweet People delivered to Phoenix Fibers for destruction and recycling into shoddy
4 fiber.

5 Subject to and without waiving the foregoing objections, Sweet People denies
6 this Request for Admission.

7 **REQUEST FOR ADMISSION NO. 12**

8 Admit that between January 1, 2011 to the present, the PHOENIX FIBERS
9 website home page has always included the phrase: "The items we do not use in our
10 shredding process are resold to other recycling companies."

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

12 Sweet People incorporates by reference the above-stated General Objections as
13 if fully set forth herein. Sweet People further objects to this Request for Admission to
14 the extent that it is intended to imply that this "phrase" somehow permitted Phoenix
15 Fibers to sell products that have been donated to it for destruction and recycling back
16 into the stream of commerce.

17 Subject to and without waiving the foregoing objections, Sweet People states
18 that it lacks knowledge or information sufficient to enable it to admit or deny this
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 13**

21 Admit that U.S. General Export, Inc. is a recycling company.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 13**

23 Sweet People incorporates by reference the above-stated General Objections as
24 if fully set forth herein.

25 Subject to and without waiving the foregoing objections, Sweet People states
26 that it lacks knowledge or information sufficient to enable it to admit or deny this
27 Request for Admission, and, therefore, denies it. Sweet People further states that the
28 corporate name of U.S. General Export, Inc. implies that this entity is an export

1 company.

2 **REQUEST FOR ADMISSION NO. 14**

3 Admit that MISS ME never purposefully destroyed any of the DONATED
4 PRODUCTS to ensure that the DONATED PRODUCTS could not be resold.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

6 Sweet People incorporates by reference the above-stated General Objections as
7 if fully set forth herein. Sweet People further objects to this Request for Admission on
8 the basis that the term “destroyed” is vague and ambiguous as used therein. Sweet
9 People further objects to this Request for Admission on the grounds that it is
10 nonsensical in that Sweet People purposefully donated damaged, unfinished, returned,
11 obsolete, or otherwise second-quality MISS ME apparel and accessory products to
12 Phoenix Fibers so that they would be destroyed and recycled, and forever removed
13 from the stream of commerce.

14 Subject to and without waiving the foregoing objections, Sweet People denies
15 this Request for Admission.

16 **REQUEST FOR ADMISSION NO. 15**

17 Admit that Lilly Kim directed PHOENIX FIBERS to “recycle” the
18 DONATED PRODUCTS.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 15**

20 Sweet People incorporates by reference the above-stated General Objections as
21 if fully set forth herein. Sweet People further objects to this Request for Admission on
22 the basis that it improperly implies that the process of recycling apparel and accessory
23 products into shoddy fiber does not necessarily involve the destruction of such
24 products.

25 Subject to and without waiving the foregoing objections, Sweet People denies
26 that Lilly Kim personally “directed” Phoenix Fibers to recycle the donated damaged,
27 unfinished, returned, obsolete, or otherwise second-quality MISS ME apparel and
28 accessory products into shoddy fiber, but admits that employees acting under Ms.

1 Kim's instruction and direction "directed" Phoenix Fibers to recycle the donated
2 damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME
3 apparel and accessory products into shoddy fiber.

4 **REQUEST FOR ADMISSION NO. 16**

5 Admit that MISS ME sent non-apparel and non-textile materials in boxes that
6 MISS ME shipped to PHOENIX FIBERS.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 16**

8 Sweet People incorporates by reference the above-stated General Objections as
9 if fully set forth herein. Sweet People further objects to this Request for Admission on
10 the basis that the terms "non-apparel" and "non-textile" are vague and ambiguous as
11 used herein.

12 Subject to and without waiving the foregoing objections, Sweet People admits
13 that, pursuant to the parties' understanding and agreement, Sweet People shipped
14 damaged, unfinished, returned, obsolete, or otherwise second-quality MISS ME
15 apparel and accessory products to Phoenix Fibers for destruction and recycling, and
16 that Phoenix Fibers accepted all such products without objection.

17 **REQUEST FOR ADMISSION NO. 17**

18 Admit that MISS ME sent hangers in boxes that MISS ME shipped to
19 PHOENIX FIBERS.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 17**

21 Sweet People incorporates by reference the above-stated General Objections as
22 if fully set forth herein.

23 Subject to and without waiving the foregoing objections, Sweet People admits
24 that on occasion the damaged, unfinished, returned, obsolete, or otherwise second-
25 quality MISS ME apparel and accessory products that it shipped to Phoenix Fibers for
26 destruction and recycling were on hangers, and further states that at no time did
27 Phoenix Fibers reject any such products that Sweet People delivered to Phoenix Fibers
28 for destruction and recycling, or advise that donated products must not be on hangers.

1 **REQUEST FOR ADMISSION NO. 18**

2 Admit that MISS ME sent trash in boxes that MISS ME shipped to PHOENIX
3 FIBERS.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 18**

5 Sweet People incorporates by reference the above-stated General Objections as
6 if fully set forth herein. Sweet People further objects to this Request for Admission on
7 the basis that the term “trash” is vague and ambiguous as used therein.

8 Subject to and without waiving the foregoing objections, Sweet People denies
9 this Request for Admission.

10 **REQUEST FOR ADMISSION NO. 19**

11 Admit that PHOENIX FIBERS never made a statement to any purchaser of
12 DONATED PRODUCTS about the affiliation, connection, or association of
13 PHOENIX FIBERS and MISS ME.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 19**

15 Sweet People incorporates by reference the above-stated General Objections as
16 if fully set forth herein.

17 Subject to and without waiving the foregoing objections, Sweet People states
18 that it lacks knowledge or information sufficient to enable it to admit or deny this
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 20**

21 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on
22 the weight of such products.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 20**

24 Sweet People incorporates by reference the above-stated General Objections as
25 if fully set forth herein.

26 Subject to and without waiving the foregoing objections, Sweet People states
27 that it lacks knowledge or information sufficient to enable it to admit or deny this
28 Request for Admission, and, therefore, denies it.

1 **REQUEST FOR ADMISSION NO. 21**

2 Admit that PHOENIX FIBERS sold DONATED PRODUCTS based solely on
3 the weight of such products without regard for the trademark of such product.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 21**

5 Sweet People incorporates by reference the above-stated General Objections as
6 if fully set forth herein. Sweet People further objects to this Request for Admission on
7 the basis that it is duplicative of Request for Admission 20.

8 Subject to and without waiving the foregoing objections, Sweet People states
9 that it lacks knowledge or information sufficient to enable it to admit or deny this
10 Request for Admission, and, therefore, denies it.

11 **REQUEST FOR ADMISSION NO. 22**

12 Admit that PHOENIX FIBERS has multiple customers that purchase shoddy
13 fiber.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 22**

15 Sweet People incorporates by reference the above-stated General Objections as
16 if fully set forth herein.

17 Subject to and without waiving the foregoing objections, Sweet People states
18 that it lacks knowledge or information sufficient to enable it to admit or deny this
19 Request for Admission, and, therefore, denies it.

20 **REQUEST FOR ADMISSION NO. 23**

21 Admit that PHOENIX FIBERS has multiple customers that purchase
22 non-shoddy fiber.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 23**

24 Sweet People incorporates by reference the above-stated General Objections as
25 if fully set forth herein. Sweet People further objects to this Request for Admission on
26 the basis that the phrase "non-shoddy fiber" is vague and ambiguous as used therein.

27 Subject to and without waiving the foregoing objections, Sweet People states
28 that it lacks knowledge or information sufficient to enable it to admit or deny this

1 Request for Admission, and, therefore, denies it.

2 **REQUEST FOR ADMISSION NO. 24**

3 Admit that PHOENIX FIBERS has never reproduced, counterfeited, copied,
4 or colorably imitated the MISS ME trademark.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 24**

6 Sweet People incorporates by reference the above-stated General Objections as
7 if fully set forth herein. Sweet People further objects to this Request for Admission on
8 the basis that it calls for a legal conclusion.

9 Subject to and without waiving the foregoing objections, Sweet People states
10 that it lacks knowledge or information sufficient to enable it to admit or deny this
11 Request for Admission, and, therefore, denies it. Sweet People further states that
12 Phoenix Fibers engaged in the unauthorized resale of damaged, unfinished, returned,
13 obsolete, or otherwise second-quality jeanswear and apparel products bearing the
14 MISS ME trademark, in direct violation of Phoenix Fibers' agreement to destroy such
15 products and recycle them into shoddy fiber, and, therefore, infringed Sweet People's
16 trademark rights.

17
18 Dated: June 16, 2016

ARNOLD & PORTER LLP

19
20 By: 

21 Louis S. Ederer
22 John C. Ulin
23 Matthew T. Salzmann
24 Eric D. Mason

25 *Attorneys for Plaintiffs*
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**OBJECTIONS AND RESPONSES TO DEFENDANT PHOENIX FIBERS
INC.'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF
SWEET PEOPLE APPAREL, INC. D/B/A MISS ME** was served upon the
following attorneys of record for Defendant Phoenix Fibers, Inc. by email (by
agreement), this 16th day of June, 2016:

William C. O'Neill
Ross Wersching & Wolcott, LLP
3151 Airway Ave., Building S
Costa Mesa, CA 92626
Tel: (714) 444-3900
Email: wco@rossllp.com



Matthew T. Salzmann

EXHIBIT KK

ROSS WERSCHING & WOLCOTT LLP
ATTORNEYS AT LAW
3151 AIRWAY AVENUE, SUITE-1
COSTA MESA, CA 92626
(714) 444-3900

1 WILLIAM C. O'NEILL / SBN 251071
2 ROSS WERSCHING & WOLCOTT LLP
3 Attorneys at Law
4 3151 Airway Avenue, Building S-1
5 Costa Mesa, California 92626
6 Telephone: (714) 444-3900
7 Facsimile: (714) 444-3901
8 WCO@RossLLP.com

9 Attorneys for Defendant
10 PHOENIX FIBERS, INC.

11 UNITED STATES DISTRICT COURT
12
13 CENTRAL DISTRICT OF CALIFORNIA

14 SWEET PEOPLE APPAREL, INC.
15 D/B/A MISS ME, a California
16 corporation, and RCRV, INC. D/B/A
17 ROCK REVIVAL, a California
18 corporation,

19 Plaintiffs,

20 vs.

21 PHOENIX FIBERS, INC., an Arizona
22 corporation, SAC INTERNATIONAL
23 TRADERS, INC., a California
24 corporation, SHAUKAT ALI CHOCHAN,
25 an individual, COMAK TRADING, INC.,
26 a California corporation, LYDIA
27 EVILSA TERRAZAS CHO, an
28 individual, MYUNG KWON CHO, an
individual, XYZ COMPANIES 1-10, and
JOHN AND JANE DOES 1-10,

Defendants.

Case No.: 2:16-cv-00940-TJH-JC

Assigned for All Purposes to:
Hon. Terry J. Hatter Jr.

**DEFENDANT PHOENIX FIBERS,
INC.'S RESPONSES TO FIRST SET
OF INTERROGATORIES FROM
PLAINTIFF SWEET PEOPLE
APPAREL, INC.**

[FRCP RULE 33]

EXHIBIT 8
WIT: Johnson
DATE: 9/12/16
Charlotte Lacey, RPR 50859

First Set of Interrogatories

APP-0353

1 Defendant Phoenix Fibers, Inc. responds to the First Set of Interrogatories
2 propounded by Plaintiff Sweet People Apparel, Inc. as follows:

3 **GENERAL OBJECTIONS AND QUALIFICATIONS**

4 Responding Party has not fully completed its investigation of the facts relating
5 to this action, has not fully completed discovery in this action, and has not completed
6 its preparation for trial.

7 It is anticipated that further discovery, independent investigation, legal
8 research and analysis will supply additional facts, add meaning to the known facts, as
9 well as establish entirely new factual conclusions and legal contentions, all of which
10 may lead to substantial additions to, changes in and variations from the contentions
11 herein set forth.

12 The following responses are given without prejudice to Responding Party's
13 right to produce evidence of any subsequently discovered facts which Responding
14 Party may later recall. Responding Party accordingly reserves the right to change
15 any and all responses herein as additional facts are ascertained, analyses are made,
16 legal research is completed and contentions are made.

17 Nothing in these responses is intended to be or should be construed as a
18 waiver of any attorney-client privilege or waiver of the attorney work-product
19 doctrine. To the extent that any of the interrogatories may be construed as calling for
20 disclosure of documents and/or information protected by such privileges, a
21 continuing objection is hereby imposed. This includes joint defense agreements.

22 Responding Party has made a diligent search and reasonable inquiry in an
23 effort to respond to each of the interrogatories as Responding Party understands and
24 interprets each interrogatory. If Propounding Party subsequently asserts an
25 interpretation of the interrogatories which differs from that of Responding Party,
26 Responding Party reserves the right to supplement its objections or responses, or
27 both.
28

RESPONSES TO INTERROGATORIES**INTERROGATORY NO. 1**

State all facts and circumstances Concerning Your acquisition of jeanswear and/or other apparel products from Sweet People.

RESPONSE TO INTERROGATORY NO. 1

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Responding Party received more than just jeanswear and apparel products from RCRV. RCRV, in fact, regularly included hangers, tape, cutting pattern materials, plastic, and trash in the boxes that RCRV would send to Responding Party. Typically, RCRV would send its Donated Product to Responding Party with a bill of lading, but without any quantity of specific product. Occasionally, trucks hired by RCRV (or Miss Me) would show up unannounced at Responding Party's warehouse. Pallets of boxes would then be unloaded onto an exterior loading dock until space was available inside the warehouse. The boxes were sometimes taped for reinforcement (assumed by Plaintiffs), but sometimes were not and the boxes would break or rupture and the contents spilled out. Responding Party was unaware of any restrictions placed on receipt of such donated products.

INTERROGATORY NO. 2

Identify all Persons who have personal knowledge Concerning any or all of the facts and circumstances set forth in Your response to Interrogatory No. 1.

RESPONSE TO INTERROGATORY NO. 2

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and

scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Tod Kean, who can be contacted through counsel.

Steve Johnson, who can be contacted through counsel.

Kelly Quinn, who can be contacted through counsel.

INTERROGATORY NO. 3

Identify all Persons to whom You have sold, distributed, supplied or otherwise conveyed Donated Products, and, to the extent any such Persons are entities (rather than individuals), Identify the individuals with whom You dealt?

RESPONSE TO INTERROGATORY NO. 3

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

The only Person to whom Responding Party is aware of selling some Donated Products (based solely on weight) is Kamel Mroueh.

INTERROGATORY NO. 4

State the dates on which You first and last sold, distributed, supplied or otherwise conveyed Donated Products to any Person (other than Plaintiffs).

RESPONSE TO INTERROGATORY NO. 4

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Responding Party is unaware of the precise date of sale of some Donated Products to Kamel Mroueh, but believes it was sometime between early Spring 2015 – early Fall 2015.

INTERROGATORY NO. 5

Describe Your business relationship with each Person identified in Your response to Interrogatory No. 3.

RESPONSE TO INTERROGATORY NO. 5

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Kamel Mroueh runs another recycling company that purchased credential and other baled or loose clothing and shoes from Responding Party based on the weight of such materials.

INTERROGATORY NO. 6

For each Person identified in Your response to Interrogatory No. 3, state the volume (units, boxes and pallets) of Donated Products sold, distributed, supplied or otherwise conveyed to such Person, and the total consideration You received from such Person in exchange for Donated Products.

RESPONSE TO INTERROGATORY NO. 6

Responding Party objects to this interrogatory on the ground that it is so vague and ambiguous as to require Responding Party to speculate as to its meaning and scope. Notwithstanding these objections, and the aforementioned General Objections and Qualifications which are incorporated herein, and without waiving the same, Responding Party responds as follows:

Responding Party does not recall the precise amount of consideration received,

1 but believes that the price agreed was approximately the same as the existing market
 2 conditions for loose or baled credential material and shoes, which was approximately
 3 \$0.50/pound at the time. Responding Party believes that Kamel Mroueh purchased
 4 approximately three trucks of credential and other baled or loose clothing and shoes
 5 that included (among other things) some Donated Product.

6 **INTERROGATORY NO. 7**

7 Identify all Persons who have personal knowledge Concerning any or all of
 8 the facts set forth in Your response to Interrogatory No. 6.

9 **RESPONSE TO INTERROGATORY NO. 7**

10 Responding Party objects to this interrogatory on the ground that it is so vague
 11 and ambiguous as to require Responding Party to speculate as to its meaning and
 12 scope. Notwithstanding these objections, and the aforementioned General Objections
 13 and Qualifications which are incorporated herein, and without waiving the same,
 14 Responding Party responds as follows:

15 Tod Kean, who can be contacted through counsel.

16 Steve Johnson, who can be contacted through counsel.

17 Kamel Mroueh, U.S. General Export, 1423 E. 58th Place, Los Angeles, CA
 18 90001.

19 **INTERROGATORY NO. 8**

20 State the total volume of Donated Products You received.

21 **RESPONSE TO INTERROGATORY NO. 8**

22 Responding Party objects to this interrogatory on the ground that it is so vague
 23 and ambiguous as to require Responding Party to speculate as to its meaning and
 24 scope. Notwithstanding these objections, and the aforementioned General Objections
 25 and Qualifications which are incorporated herein, and without waiving the same,
 26 Responding Party responds as follows:

27 Responding Party does not know the total volume of Donated Products
 28

1 Responding Party received.

2 **INTERROGATORY NO. 9**

3 State the total volume of Donated Products You processed into shoddy fiber.

4 **RESPONSE TO INTERROGATORY NO. 9**

5 Responding Party objects to this interrogatory on the ground that it is so vague
6 and ambiguous as to require Responding Party to speculate as to its meaning and
7 scope. Notwithstanding these objections, and the aforementioned General Objections
8 and Qualifications which are incorporated herein, and without waiving the same,
9 Responding Party responds as follows:

10 Responding Party does not know the total volume of Donated Products it
11 processed into shoddy fiber.

12 **INTERROGATORY NO. 10**

13 State the total volume of Donated Products You sold, distributed, supplied or
14 otherwise conveyed to any Person.

15 **RESPONSE TO INTERROGATORY NO. 10**

16 Responding Party objects to this interrogatory on the ground that it is so vague
17 and ambiguous as to require Responding Party to speculate as to its meaning and
18 scope. Notwithstanding these objections, and the aforementioned General Objections
19 and Qualifications which are incorporated herein, and without waiving the same,
20 Responding Party responds as follows:

21 Responding Party does not know the total volume of Donated Products it sold,
22 distributed, supplied or otherwise conveyed to any Person.

23 DATED: June 1, 2016

ROSS WERSCHING & WOLCOTT LLP

24
25
26 By: /s/ William C. O'Neill
27 WILLIAM C. O'NEILL
28 Attorneys for Defendant
PHOENIX FIBERS, INC.

VERIFICATION

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I have read the foregoing ***DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF SWEET PEOPLE APPAREL, INC.*** and know its contents.


I am the President of Phoenix Fibers, Inc. I am authorized to make this Verification for and on its behalf, and I make this Verification for that reason. I am informed and believe, and on that ground allege, that the matters stated in the document described above are true.

Executed on June 1, 2016 at Chandler, Arizona.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Tod Kean

Type or Print Name



Signature

ROSS WERSCHING & WOLCOTT LLP

ATTORNEYS AT LAW
3151 AIRWAY AVENUE, SUITE-1
COSTA MESA, CA 92626
(714) 444-3900

WILLIAM C. O'NEILL / SBN 251071
ROSS WERSCHING & WOLCOTT LLP
Attorneys at Law
3151 Airway Avenue, Building S-1
Costa Mesa, California 92626
Telephone: (714) 444-3900
Facsimile: (714) 444-3901
WCO@RossLLP.com

Attorneys for Defendant
PHOENIX FIBERS, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SWEET PEOPLE APPAREL, INC.
D/B/A MISS ME, a California
corporation, and RCRV, INC. D/B/A
ROCK REVIVAL, a California
corporation,

Plaintiffs,

vs.

PHOENIX FIBERS, INC., an Arizona
corporation, SAC INTERNATIONAL
TRADERS, INC., a California
corporation, SHAUKAT ALI CHOCHAN,
an individual, COMAK TRADING, INC.,
a California corporation, LYDIA
EVILSA TERRAZAS CHO, an
individual, MYUNG KWON CHO, an
individual, XYZ COMPANIES 1-10, and
JOHN AND JANE DOES 1-10,

Defendants.

Case No.: 2:16-cv-00940-TJH(JCx)

Hon. Terry J. Hatter Jr.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing documents: (1) **DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS FROM PLAINTIFFS**; (2) **DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF SWEET PEOPLE APPAREL, INC.**; (3) **DEFENDANT PHOENIX FIBERS, INC.'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM PLAINTIFF RCRV, INC. D/B/A ROCK REVIVAL** was served upon the following attorneys of record for Plaintiffs by email (by agreement) this 2nd day of June, 2016:

John C. Ulin (john.ulín@aporter.com)

Eric D. Mason (eric.mason@aporter.com)

Louis S. Ederer (louis.ederer@aporter.com)

Matthew T. Salzmann (matthew.salzmann@aporter.com)

Attorneys for Plaintiffs

and by mail to the following attorneys:

Sagi Schwartzberg

Michael J. Luther

Schwartzberg / Luther, APC

8291 Utica Avenue, Suite 201

Rancho Cucamonga, CA 91730

Attorneys for Defendant Comak Trading, Inc.

1 DATED: June 2, 2016

ROSS WERSCHING & WOLCOTT LLP

2
3
4 By: /s/ William C. O'Neill
5 WILLIAM C. O'NEILL
6 Attorneys for Defendant
7 PHOENIX FIBERS, INC.
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ROSS WERSCHING & WOLCOTT LLP

ATTORNEYS AT LAW
3151 AIRWAY AVENUE, SUITE-1
COSTA MESA, CA 92626
(714) 444-3900

EXHIBIT LL

07/19/2011 11:25 7344685219

SMALLERZ

AZ Corp. Commission



03550945

AZ CORPORATION COMMISSION
FILED

JUL 01 2011

FILE NO. 1691209-8ARTICLES OF INCORPORATION
OF
PHOENIX FIBERS INCAZ CORPORATION COMMISSION
FILED

JUL 19 2011

FILE NO. 1691209-8

1. Name. The name of the Corporation is
PHOENIX FIBERS INC
2. Initial Business. The Corporation initially intends to conduct the business of:
CLOTHING RECYCLER
3. Authorized Capital. The Corporation shall have authority to issue 1000
shares of Common Stock.
4. Known Place of Business (in Arizona). The street address of the known place of
business of the Corporation is:
400 E RAY RD, CHANDLER, AZ 85225
5. Statutory Agent (in Arizona). The name and address of the statutory agent of the
Corporation is: TRACY DOBB CPA
1553 W TODD DR #206 TEMPE AZ 85283
6. Board of Directors. The initial board of directors shall consist of 3 director(s).
The name(s) and address(es) of the person(s) who is(are) to serve as the director(s)
until the first annual meeting of shareholders or until his/her(their) successor(s)
is(are) elected and qualifies is(are):

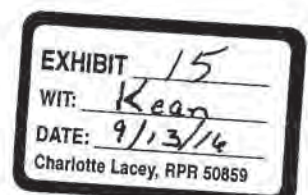
TOD KEAN	400 E RAY RD, CHANDLER, AZ 85225
JIM KEAN	400 E RAY RD, CHANDLER, AZ 85225
MIKE KEAN	400 E RAY RD, CHANDLER, AZ 85225

The number of persons to serve on the board of directors thereafter shall be fixed
by the Bylaws.
7. Incorporator. The name and address of the incorporator is:
Karen Sens PO Box 13092 Tucson, AZ 85732

All powers, duties and responsibilities of the incorporator shall cease at the time of
delivery of these Articles of Incorporation to the Arizona Corporation Commission.

AZ CORPORATION COMMISSION
FILED

JUL 13 2011

FILE NO. 1691208-9

8/7/19/2811 11:25 7344586219

SHALLITZ

PAGE 84/85

8. Indemnification of Officers, Directors, Employees and Agents. The Corporation shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was an officer, director, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another Corporation, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is permitted by law.
9. Limitation of Liability. To the fullest extent permitted by the Arizona Revised Statutes, as the same exists or may hereafter be amended, a director of the Corporation shall not be liable to the Corporation or its stockholders for monetary damages for any action taken or any failure to take any action as a director. No repeal, amendment or modification of this article, whether direct or indirect, shall eliminate or reduce its effect with respect to any act or omission of a director of the Corporation occurring prior to such repeal, amendment or modification.

EXECUTED this 29th day of June, 2011 by the incorporator.

Signed: Karen Scam Phone (520) 881-3989

Print Name: Karen Scam FAX (734) 468-6219

Acceptance of Appointment By Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporation effective this 29th day of June, 2011.

Signed: Tracy Cobb

Print Name: TRACY COBB CPA

CF:0042 Rev. 06/2010

6/7/19/2011 11:25 7344655213

SHALLETZ

PAGE 05/05

**PROFIT
CERTIFICATE OF DISCLOSURE**
Pursuant to A.R.S. §10-202. (D).

PHOENIX FIBERS INC

EXACT CORPORATE NAME

A. Have any person serving either by election or appointment as officer, director, trustee, incorporator and persons controlling or holding over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation:

1. Been convicted of a felony involving a transaction in securities, consumer fraud or interest in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
2. Been convicted of a felony, the essential elements of which consisted of fraud, false statements, theft by false pretenses, or receipt of funds or conspiracy to any crime or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
3. Been or was subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
 - (a) Implied the violation of fraud or negligent provisions of the securities laws of that jurisdiction; or
 - (b) Involved the violation of the consumer fraud laws of that jurisdiction; or
 - (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

Yes No ☒

B. IF YES, the following information MUST be attached:

1. Full name, prior name(s) and aliases, if used.
2. Full birth name.
3. Present home address.
4. Prior addresses (for ten years preceding 7-year period).
5. Date and location of birth.
6. The nature and description of each conviction or judgment, injunction, decree or permanent order and the court and public agency involved and file or case number of case.

C. Have any person serving as an officer, director, trustee, incorporator or holder of over twenty per cent. of the issued and outstanding common shares or twenty per cent. of any other proprietary, beneficial or membership interest in the corporation served in any such capacity or held a twenty per cent. interest in any other corporation in any jurisdiction in the bankruptcy or receivership of the other corporation?

Yes No ☒

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES" YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the corporation.
2. Full name (including aliases) and address of each person involved.
3. State(s) in which the corporation:
 - (a) Was incorporated,
 - (b) Has conducted business.
4. Dates of corporate operation.
5. Date and cause of bankruptcy or receivership.

Under penalties of law, the undersigned incorporator(s) declare(s) that (she) have examined this Certificate, including any attachments, and to the best of (my/our) knowledge and belief it is true, correct and complete, and hereby declare as indicated above. THE SIGNATURES MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

BY Karen Seng

BY _____

PRINT NAME Karen Seng

PRINT NAME _____

TITLE Incorporator

DATE 06/29/2011

TITLE _____

DATE _____

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. If within sixty days, any person becomes an officer, director, trustee or person controlling or holding over 10% of the issued and outstanding shares or 10% of any other proprietary, beneficial or membership interest in the corporation and the person was not included in this disclosure, the corporation must file an AMENDED disclosure signed by at least one duly authorized officer of the corporation.

FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.

CP-1002 - Business Corporations
Rev. 08/2009

Arizona Corporation Commission
Corporations Division

Search Date and Time:

9/8/2016 8:13:53 AM

File Number:

16912098

Corporation Name:

PHOENIX FIBERS INC

Annual Report Email Reminders

eFile Annual Report

Print Annual Report Form

Collapse | Expand

File Number

16912098

Corporation Name

PHOENIX FIBERS INC

Standing

Check Corporate Status

400 E RAY RD
CHANDLER, AZ 85225

Agent Name: TOD KEAN

Agent Mailing/Physical Address:

400 E RAY RD
CHANDLER, AZ 85225

Agent Status: APPOINTED 11/14/2012

Agent Last Updated: 11/26/2012

Entity Type: BUSINESS

Business Type: CLOTHING RECYCLER

Incorporation Date: 7/1/2011

Corporation Life Period: PERPETUAL

Domicile: ARIZONA

County: MARICOPA

Approval Date: 7/21/2011

Original Publish Date: 8/10/2011

Name

TOD KEAN

Title

PRESIDENT/CEO

Address

400 E RAY RD
CHANDLER, AZ 85225

Date of Taking Office

01/01/2011

Last Updated

05/18/2016

Name

MIKE KEAN

Title

DIRECTOR

Address

400 E RAY RD
CHANDLER, AZ 85225

Date of Taking Office

01/01/2011

Last Updated

05/18/2016

Name	JIM KEAN
Title	DIRECTOR
Address	400 E RAY RD CHANDLER, AZ 85225
Date of Taking Office	01/01/2011
Last Updated	05/18/2016
Name	TOD KEAN
Title	DIRECTOR
Address	400 E RAY RD CHANDLER, AZ 85225
Date of Taking Office	01/01/2011
Last Updated	05/18/2016

Next Annual Report Due: 7/1/2017

File Year	2016
File Month	7
Date Received	5/16/2016
Reason Returned	
Date Returned	
Extension	
File Year	2015
File Month	7
Date Received	10/8/2015
Reason Returned	
Date Returned	
Extension	

File Year	2014
File Month	7
Date Received	6/27/2014

Reason Returned

Date Returned

Extension

File Year	2013
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File Month	7
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Date Received	6/19/2013
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Reason Returned

Date Returned

Extension

File Year	2012
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File Month	7
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Date Received	11/14/2012
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Reason Returned

Date Returned

Extension

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Document Number

05519810

Description

16 ANNUAL REPORT

Date Received

5/16/2016

Document Number

05262944



Description

15 ANNUAL REPORT

Date Received

10/8/2015

Document Number

04728684

Description

14 ANNUAL REPORT

Date Received

6/27/2014

Document Number

04325613

Description

13 ANNUAL REPORT

Date Received

6/19/2013

Document Number

04061223

Description

12 ANNUAL REPORT

Date Received

11/14/2012

Document Number

03581764

Description

PUB OF ARTICLES

Date Received

8/10/2011

Document Number

03550945

Description

ARTICLES

Date Received

7/19/2011

Date

10/5/2015

Reason

DELINQUENT ANNUAL REPORT

Date

10/4/2012

Reason

DELINQUENT ANNUAL REPORT

Location	Entered	Description
32267100046	7/19/2011	ARTICLES
32279003020	8/10/2011	PUB OF ARTICLES

Print Details

Privacy Policy (<http://www.azcc.gov/Divisions/Administration/Privacy.asp>) | Contact Us
(<http://www.azcc.gov/divisions/corporations/contact-us.asp>)

EXHIBIT MM



NEW ARRIVAL

**FLOWER PLAY CUFFED
SKINNY JEANS**

\$109.50



NEW ARRIVAL

**DARKEST HOUR MID RISE
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**NEW FLAME MID RISE
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**FEVER STITCH SUPER
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**GREEN WITH ENVY MID
RISE SKINNY JEANS**

\$99.50



NEW ARRIVAL

**FOXY FEATHER MID RISE
BOOT CUT JEANS**

\$99.50



NEW ARRIVAL

**WINE NOT MID-RISE
SKINNY JEANS**

\$89.50



NEW ARRIVAL

IN THE MIX SKINNY JEANS

\$99.50



NEW ARRIVAL

**DON'T CROSS ME MID-RISE
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**BLUE MOON MIDRISE
SKINNY JEANS**

\$99.50



NEW ARRIVAL

**ANGEL CITY MID-RISE
SKINNY JEANS**

\$109.50



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**RUNNING WILD MID-RISE
SLIM BOOT CUT JEANS**

\$99.50



NEW ARRIVAL

**PATCH WORK MID-RISE
SKINNY JEANS**

\$99.50



NEW ARRIVAL

TOO BAD FLARE JEANS

\$109.50



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**HIDDEN CHARM MID-RISE
CUFFED SKINNY JEANS**

\$99.50



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**DOUBLE CROSS BOOT CUT
JEANS**

\$99.50



NEW ARRIVAL

**DEEP FEELINGS MIDRISE
BOOT CUT JEANS**

\$89.50



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**SILVER MOONSTONE MID-
RISE SKINNY JEANS**

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**STEVEN A82 ALT
STRAIGHT CUT
JEAN**
\$179.00



**BEN K45 BIKER
JEAN**
\$199.00



**GEO K8 BIKER
JEAN**
\$199.00



**CHATWIN J201
STRAIGHT CUT
JEAN**
\$169.00



**ELBER J200
STRAIGHT CUT
JEAN**

\$179.00



**STEVEN A83 ALT
STRAIGHT CUT
JEAN**

\$189.00



**STEVEN A208
ALT STRAIGHT
CUT JEAN**

\$159.00



**TOMSHI A204
ALT STRAIGHT
CUT JEAN**

\$189.00



**BENEY A202 ALT
STRAIGHT CUT
JEAN**

\$174.00



**ECE A202 ALT
STRAIGHT CUT
JEAN**

\$179.00



**DALY J401
STRAIGHT CUT
JEAN**

\$174.00



**OLEN J206
STRAIGHT CUT
JEAN**

\$169.00





**JACK K30 BIKER
JEAN**

\$189.00



**BAILLE J202
STRAIGHT CUT
JEAN**

\$174.00



**BONAKK J402
STRAIGHT CUT
JEAN**

\$179.00



**TRIPP B203
BOOT CUT JEAN**

\$169.00



**JACK A32 ALT
STRAIGHT CUT
JEAN**

\$189.00



**STEVEN A207
ALT STRAIGHT
CUT JEAN**

\$189.00



**VIETIA A204 ALT
STRAIGHT CUT
JEAN**

\$174.00



**ADAIN A202 ALT
STRAIGHT CUT
JEAN**

\$189.00

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AALA SM200 MID
RISE SKINNY
CUT JEAN

\$159.00



BARBILA S208
SKINNY CUT
JEAN

\$174.00



JONI J204
STRAIGHT CUT
JEAN

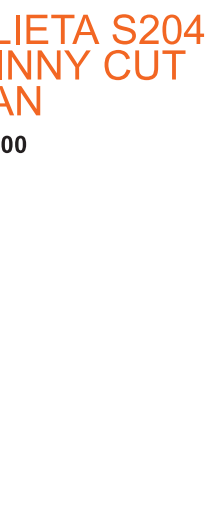
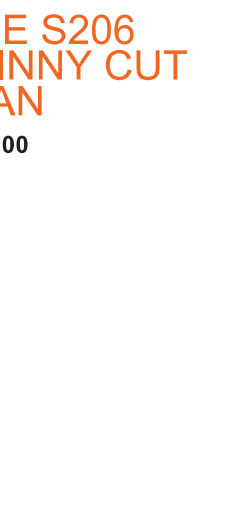
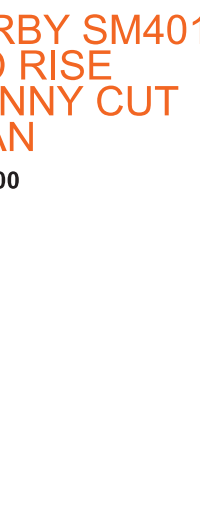
\$179.00



CELINE S204
SKINNY CUT
JEAN

\$179.00



**ENA B204 BOOT
CUT JEAN****\$174.00****DILETTA B BOOT
CUT JEAN****\$174.00****MAAJE J209
STRAIGHT CUT
JEAN****\$179.00****ENA S25 SKINNY
CUT JEAN****\$169.00****JULIETA S204
SKINNY CUT
JEAN****\$169.00****COE S206
SKINNY CUT
JEAN****\$174.00****BARBY SM401
MID RISE
SKINNY CUT
JEAN****\$159.00****MICA B202 BOOT
CUT JEAN****\$174.00**



**LANLAN B209
BOOT CUT JEAN**

\$174.00



**STEPHANI B
BOOT CUT JEAN**

\$179.00



**POLLARD B200
BOOT CUT JEAN**

\$164.00



**ENA J26
STRAIGHT CUT
JEAN**

\$174.00



**ANAIS S10
SKINNY CUT
JEAN**

\$169.00



**MARE S202
SKINNY CUT
JEAN**

\$174.00



**LANLAN B208
BOOT CUT JEAN**

\$174.00



**KAILYN B210
BOOT CUT JEAN**

\$174.00

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